**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.15241 OF 2006**

**DATED: 08TH SEPTEMBER, 2006.**

Between :

Y. Ranga Rao .. Petitioner

And

1. Govt. of India, rep. by its Secretary,
   Ministry of Home Affairs, New Delhi;
   And 2 others. .. Respondents

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**WRIT PETITION NO.15241 OF 2006**

**ORDER :**

This writ petition is filed aggrieved by the alleged inaction on the part of the 2nd respondent in taking appropriate action on the representation of the petitioner dated 19-6-2006 as arbitrary and illegal.

It is stated that he filed a police complaint against the 3rd respondent alleging that having promised the petitioner to provide employment, the 3rd respondent cheated him. On the basis of the said complaint, C.C.No.357 of 2005 was registered on the file of the Judicial First Class Magistrate, Jagtial, Karimnagar district. The learned Judge having taken cognizance for the offence under Section 420 of I.P.C. issued summons to the 3rd respondent herein. Since the 3rd respondent refused to receive the summons, Non-Bailable Warrant (NBW) was issued on 14-6-2006 with a direction to the Commissioner of Police to execute the same on or before 24-11-2006. It is stated that the petitioner is holding a passport and therefore the petitioner made a representation dated 19-6-2006 bringing to the notice of the 2nd respondent about pendency of C.C.No.357 of 2005 as well as pendency of NBW against the 3rd respondent. However, the 2nd respondent failed to take any action as contemplated under the Passports Act, 1967, but, on the other hand, addressed a letter dated 17-7-2006 to the petitioner stating that the action can be initiated only after a direction is issued by the Judicial Authority or Police Authority.

Hence, this writ petition.

I have heard the learned Counsel for the petitioner and the learned Assistant Solicitor General of India appearing for the respondents 1 and 2.

Under Section 10 (3) of the Passports Act, 1967 (for short, 'the Act') the Passport Authority may impound or cause to be impounded a passport or a travel document on the grounds specified thereunder including that the warrant or summons for the appearance or a warrant for the arrest of the holder of the passport has been issued by the Court under any law for the time being in force. The pendency of proceedings in respect of an offence alleged to have been committed by the holder of passport before the criminal court in India is also one of the grounds mentioned under Section 10 (3) of the Act.

In the light of the above statutory provision, I am of the opinion that the 2nd respondent is required to consider the representation made by the petitioner and has to pass appropriate orders exercising the statutory discretion conferred under Section 10 of the Act.

Accordingly, the Writ Petition is disposed of with a direction to the 2nd respondent to consider the representation made by the petitioner dated 19-6-2006 and to take necessary action in terms of Section 10 of the Passports Act, 1967. No order as to costs.

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G. ROHINI, J.

Dt. 8-9-2006

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